



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------------|-----------------------------|
| 10/727,697 | 12/04/2003 | Ted A. Barnes | PGI 02910 PTUS | 8662 |
| 32233 | 7550 | 06/01/2010 | | |
| STORM LLP BANK OF AMERICA PLAZA 901 MAIN STREET, SUITE 7100 DALLAS, TX 75202 | | | EXAMINER VANTERPOOL, LESTER L | |
| | | | ART UNIT 3782 | PAPER NUMBER |
| | | | NOTIFICATION DATE 06/01/2010 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kroper@stormllp.com
DOCKETING@STORMLLP.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/727,697
Filing Date: December 04, 2003
Appellant(s): BARNES, TED A.

John G. Fischer (Reg. No. 41748) of Storm, LLP
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

Responsive to Reply in Appeal Pursuant to 37 CFR §41.41 on November 03,
2009, a Supplemental Examiner's Answer is set forth below:

It is to be noted that this is supplemental to the previous Examiner's Answer, mailed September 3, 2009 which contains sections 1-10. The additional material is responsive to appellant's arguments to the new grounds of rejection contained in the previous Answer.

(10) Response to Argument

10. Whether Claims 6 and 7 are obvious under 35 USC §103(a) due to Masui et al., in view of Koshinen.

Appellant argues, the element (34) of Masui is not adapted for attachment to a control bracket, as recited in claims 6 and 7.

Examiner disagree, appellant is only positively claiming "a vehicle accessory mount". Masui teaches "A Vehicle Accessory Mount" as positively claimed in the preamble that is capable or adaptable of being attached to various structures such as a control bracket or a control body in what ever shape or form the control bracket or control body maybe, since the claim language does not further define or describe the throttle control body or a clutch control body.

In addition, the preamble recites "adapted for attachment" which implies intended use of the Vehicle Accessory Mount. Therefore, the initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Masui et al., which is capable of being used in the intended manner, i.e., a vehicle accessory mount adapted for attachment to a control bracket of a handle-barred vehicle throttle or clutch control body (See M.P.E.P. 2111).

Appellant argues, Koskinen is not cited for, and does not show, teach or suggest the control bracket or the control body.

However, Mausl et al., teaches a vehicle accessory mount that is capable of being attached to a control bracket or a control body. Koskinen teaches an accessory mount comprising a ball stud attached to the accessory mount body and or a ball stud in threaded connection to the accessory hole of the accessory mount.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make and teach a ball stud attached to the accessory mount body and or a ball stud in threaded connection to the auxiliary hole of an accessory mount as taught by Koskinen the accessory mount of Mausl in order to enhance multi-functional capabilities.

Appellant argued, Koskinen fails to teach features of the claimed subject matter that are not found in Masui, and the combination fails to teach or suggest the claimed subject matter.

Examiner disagrees, Koskinen does indeed teach the only positively recited structural limitation that is not found in Masui et al. Masui et al., teaches and satisfies all the structural limitations as set forth except the ball stud attached to the threaded accessory hole. Koskinen teaches a accessory mount comprising the ball stud attached to the threaded accessory hole (See Figures 2 & 3). Therefore, given the broadest

reasonable interpretation, Masui et al., in view of Koskinen teaches as satisfies the structural limitations as set forth in claims 6 and 7.

Appellant argues, Koskinen does not teach or suggest a ball stud that is attached to a threaded accessory hole of the body, as in claim 6, or even one that is attached to the body.

Examiner disagrees, claim 6 recites: "a ball stud attached to the threaded accessory hole".

Koskinen teaches the ball attached to the top of a threaded rod (32) which is threadedly engaged at its lower end to the accessory hole of the accessory mount (See Figures 2 & 3). Therefore, the ball stud or the stud portion of the ball is in threaded connection with the accessory mount. Therefore, given the broadest reasonable interpretation, Koskinen meets and satisfies the structural limitations as set forth in claim 6.

Appellant argues, Koskinen does not anywhere depict a ball stud that is attached to another structure either mechanically, as by a bolt threaded into the ball, for example, or by an adhesive means, or by any other means.

In response to appellant argument, claims 6 and 7 do not recite or set forth any language of the ball stud being attached to another structure either mechanically.

Therefore, it appears that appellant is arguing on subject matter that is not positively claimed and or set forth in claims 6 or 7. Moreover, as previously stated,

Koskinen teaches a ball attached to a threaded shaft (32) which is engaged in a corresponding threaded accessory hole to mount the ball.

11. Whether Claims 15 and 16 are obvious under 35 USC §103(a) due to Masui et al., and Japan Patent Number 4-133886 in view of Koskinen.

Appellant argues, Koskinen is not cited for, and does not show, teach or suggest the control bracket or the control body.

Examiner disagree, Koskinen was not used for this feature, but Masui was. In addition, Masui et al., teaches a vehicle accessory mount that is capable of being attached to a control bracket or a control body. Koskinen teaches an accessory mount comprising a ball stud attached to the accessory mount body and or a ball stud in threaded connection to the accessory hole of the accessory mount.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make and teach a ball stud attached to the accessory mount body and or a ball stud in threaded connection to the auxiliary hole of an accessory mount as taught by Koskinen the accessory mount of Masui in order to enhance multi-functional capabilities.

Appellant argues, Koskinen does not teach or suggest a ball stud attached to the body, as in claims 15 and 16.

Examiner disagrees, claim 15 recites: "a ball stud attached to the body". Koskinen teaches the ball stud (See Figure 2) attached to the body of an accessory mount. Therefore, given the broadest reasonable interpretation, Koskinen meets and satisfies the structural limitations as set forth in claim 15.

Appellant argues, Koskinen also does not teach or suggest a ball stud in threaded connection to an accessory hole of a body.

Examiner disagrees, claim 16 recites: "a ball stud in threaded connection". Koskinen teaches the ball attached to the top of a threaded rod (32) which is threadedly engaged at its lower end within the accessory mount. Therefore, the ball stud or the stud portion of the ball is in threaded connection with the accessory mount. Therefore, given the broadest reasonable interpretation, Koskinen meets and satisfies the structural limitations as set forth in claim 16.

Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).

/Lester L. Vanterpool/

Examiner, Art Unit 3782

/Nathan J. Newhouse/

Supervisory Patent Examiner, Art Unit 3782

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724

A Technology Center Director or designee has approved this supplemental
examiner's answer by signing below:

/KAREN M. YOUNG/

Director, Technology Center 3700